

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

IN THE MATTER OF:	:	CASE NUMBER
	:	
LAQUITA TEAL SMITH, aka	:	06-10571-WHD
LAQUITA DAPHYNE SMITH,	:	
	:	IN PROCEEDINGS UNDER
	:	CHAPTER 7 OF THE
DEBTOR.	:	BANKRUPTCY CODE

ORDER

Before the Court is the “Motion for Order Under § 362(j) Confirming the Termination of the Automatic Stay,” filed by Ford Motor Credit Company (hereinafter “FMCC”). FMCC seeks an order confirming that the automatic stay has terminated as a matter of law with regard to certain personal property owned by Laquita Smith (hereinafter the “Debtor”). This matter constitutes a core proceeding, over which this Court has subject matter jurisdiction. *See* 28 U.S.C. § 157(b)(2)(G); § 1334.

On April 11, 2006, the Debtor, who is an individual, filed a voluntary petition under Chapter 7. The Debtor scheduled ownership of a 2005 Ford Focus (hereinafter the “Vehicle”), which is subject to a security interest in favor of FMCC. On April 18, 2006, FMCC filed a proof of secured claim. The meeting of creditors was first scheduled for May 11, 2006, but was rescheduled for July 6, 2006. On the petition date, the Debtor filed a statement of intention, in which she proposed to reaffirm the debt secured by the Vehicle. According to the Motion, however, the Debtor has not performed her stated intention, and the docket does not reflect that a reaffirmation agreement has been filed.

FMCC seeks a determination that the automatic stay with regard to the Vehicle has

terminated as a matter of law in accordance with section 521(a)(6). Section 521(a)(6) provides that an individual debtor in a case under Chapter 7 shall not retain possession of personal property, as to which the creditor has an allowed secured claim for the purchase price, for more than forty-five days after the first meeting of creditors without either reaffirming the debt secured by the property or redeeming the property. 11 U.S.C. § 521(a)(6). If the debtor fails to reaffirm or redeem within the specified time period, the automatic stay is terminated with regard to the personal property and such property is no longer property of the estate, unless the court determines, upon the motion of the trustee, that the personal property is of consequential value or benefit to the estate, orders adequate protection for the secured creditor's interest, and directs the turnover of the property to the trustee. *Id.* § 521(a)(6).

In this case, the first meeting of creditors was held on July 6, 2006. Accordingly, the Debtor continues to have forty-five days from July 6, 2006 to reaffirm the debt. Because the automatic stay has not terminated under section 521(a)(6), the Motion must be and hereby is, **DENIED**.

IT IS SO ORDERED.

At Newnan, Georgia, this ____ day of July, 2006.

W. HOMER DRAKE, JR.
UNITED STATES BANKRUPTCY JUDGE